**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.15612 of 2005**

**Dated:25.07.2007**

**Between:**

B.Venkata Narayana and others.

…Petitioners

and

The District Collector, Prakasam District and others.

…Respondents

**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.15612 of 2005**

**ORDER:**

The four petitioners filed instant Writ Petition seeking a writ of *mandamus* declaring the action of the Mandal Revenue Officer, Marripudi Mandal, in directing them to vacate the land in survey No.284 of Sannamuru Revenue Village, Marripudi Mandal, Prakasam District, as illegal and arbitrary.

It is the case of the petitioners that they have been in occupation of poramboke land in survey No.284, that the first petitioner is in occupation of Acs.1.62 and Acs.3.29; second petitioner Acs.4.85; third petitioner Acs.3.00 and fourth petitioner Acs.3.50. They also allege that they are raising various cash crops, and on 16.05.2007, the Surveyor from the office of the Mandal Revenue Officer directed them to vacate the land. The petitioners contend that they are landless poor persons, and therefore, they are entitled for assignment and that without following the procedure, the petitioners cannot be evicted from the lands.

This Court granted interim order on 18.07.2005, while admitting the Writ Petition. The respondents filed W.V.M.P.No.2831 of 2005. When the miscellaneous applications are coming up for enquiry, the Writ Petition itself is heard finally, as the question involved is a short one.

In the counter-affidavit filed by the Mandal Revenue Officer, the allegation that he directed the petitioners to vacate the land is denied. It is further stated that petitioners 2 and 3 are not eligible for regularization of their occupation of encroached Government land and that petitioners 1 and 4 are eligible for regularization. It is also stated that action is being taken to vacate ineligible persons and to assign the land to eligible encroachers.

The petitioners have not filed any reply-affidavit denying the

counter allegations. This shows that counter-averments stand proved and that the Writ Petition is filed without there being a proper cause of action.

The Writ Petition is, therefore, disposed of, observing that the respondents may consider the case of petitioners 1 and 4 for assignment of the land and take necessary action against petitioners 2 and 3, if they do not vacate the land, in accordance with the Andhra Pradesh Land Encroachment Act, 1905. No costs.

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(V.V.S.RAO, J)

25.07.2007

GJ